



# FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE

## LATHROP GENERAL PLAN UPDATE

AUGUST 2022

*Prepared for:*

City of Lathrop  
Community Development Department, Planning Division  
City of Lathrop  
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Lathrop, CA 95330

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D e N o v o P l a n n i n g G r o u p

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A Land Use Planning, Design, and Environmental Firm





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FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS  
FOR THE  
LATHROP GENERAL PLAN UPDATE  
REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT  
(Public Resources Code, Section 21000 et seq)

I. INTRODUCTION

The California Environmental Quality Act (CEQA) requires the City of Lathrop (City), as the CEQA lead agency to: 1) make written findings when it approves a project for which an environmental impact report (EIR) was certified, and 2) identify overriding considerations for significant and unavoidable impacts identified in the EIR.

These findings explain how the City, as the lead agency, approached the significant and potentially significant impacts identified in the environmental impact report (EIR) prepared for the General Plan Update (General Plan, or Project). The statement of overriding considerations identifies economic, social, technological, and other benefits of the Project that override any significant environmental impacts that would result from the Project.

As required under CEQA, the Final EIR describes the Project, adverse environmental impacts of the project, and mitigation measures and alternatives that would substantially reduce or avoid those impacts. The information and conclusions contained in the EIR reflect the City's independent judgment regarding the potential adverse environmental impacts of the Project.

The Final EIR (which includes the Draft EIR, comments on the Draft EIR, responses to comments on the Draft EIR, and any revisions to the Draft EIR) for the Project, examined several alternatives to the Project that were not chosen as part of the approved project (the No Project Alternative, Modified Project Alternative, and the Balanced Density Residential Focused Alternative).

The Findings of Fact and Statement of Overriding Considerations set forth below ("Findings") are presented for adoption by the City Council (Council) as the City's findings under the California Environmental Quality Act ("CEQA") (Public Resources Code, §21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, § 15000 et seq.) relating to the Project. The Findings provide the written analysis and conclusions of this Council regarding the Project's environmental impacts, mitigation measures, alternatives to the Project, and the

overriding considerations, which in this Council’s view, justify approval of the Lathrop General Plan, despite its environmental effects.

## II. GENERAL FINDINGS AND OVERVIEW

### A. Project Background

In 2017, Lathrop began a multi-year process to update the City’s General Plan. State law requires every city and county in California to prepare and maintain a planning document called a general plan. A general plan is a “constitution” or “blueprint” for the future physical development of a county or city. As part of the Lathrop General Plan Update process, a General Plan Existing Conditions Report was prepared to establish a baseline of existing conditions in the city.

The updated Lathrop General Plan includes a framework of goals, policies, and actions that will guide the community toward its common vision. The General Plan is supported with a variety of maps, including a Land Use Map and Circulation Diagram.

### B. Procedural Background

The City of Lathrop circulated a Notice of Preparation (NOP) of an EIR for the proposed Project on October 8, 2021 to trustee and responsible agencies, the State Clearinghouse, and the public. A scoping meeting was held on October 27, 2021 at the City of Lathrop City Hall. Oral comments on the NOP related to the EIR were presented during the scoping meeting. Additionally, during the 30-day public review period for the NOP, which ended on November 8, 2021, five written comment letters were received on the NOP. The NOP and all comments received on the NOP are presented in Appendix A of the DEIR. Concerns raised in response to the NOP were considered during preparation of the Draft EIR.

The City published a public Notice of Availability (NOA) for the Draft EIR on May 27, 2022 inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2021100139) and the County Clerk, and was published in the Manteca Bulletin pursuant to the public noticing requirements of CEQA. The Draft EIR was available for public review from May 27, 2022 through July 11, 2022 at 5:00 p.m. The Public Draft General Plan was also available for public review and comment during this time period.

The Draft EIR contains a description of the project, description of the environmental setting, identification of project impacts, and mitigation/minimization measures, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies issues determined to have no impact or a less than significant impact, and provides detailed analysis of potentially



significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in the Draft EIR.

The City received 7 comment letters regarding the General Plan and Draft EIR from public agencies, organizations and members of the public during the public comment period. In accordance with CEQA Guidelines Section 15088, a Final EIR was prepared that responded to the written comments received, as required by CEQA. The Final EIR document and the Draft EIR, as amended by the Final EIR, constitute the Final EIR.

### **C. Record of Proceedings and Custodian of Record**

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City's findings and determinations consists of the following documents and testimony, at a minimum:

- The NOP, comments received on the NOP, Notice of Availability, and all other public notices issued by the City in relation to the Lathrop General Plan Update EIR.
- The Lathrop General Plan Update Final EIR, including comment letters and technical materials cited in the document.
- All non-draft and/or non-confidential reports and memoranda prepared by the City of Lathrop and consultants in relation to the EIR.
- Minutes of the discussions regarding the Project and/or Project components at public hearings held by the City.
- Staff reports associated with Planning Commission and City Council meetings on the Project.
- Those categories of materials identified in Public Resources Code Section 21167.6.

The City Clerk is the custodian of the administrative record. The documents and materials that constitute the administrative record are available for review at the City of Lathrop Office of the City Clerk at 390 Towne Centre Drive Lathrop, CA 95330

### **D. Consideration of the Environmental Impact Report**

In adopting these Findings, this Council finds that the Final EIR was presented to this Council, the decision-making body of the lead agency, which reviewed and considered the information in the Final EIR prior to approving the Lathrop General Plan. By these findings, this City Council ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the Final EIR. The City Council finds that the Final EIR was completed in compliance with the California Environmental Quality Act. The Final EIR represents the independent judgment and analysis of the City.

## **E. Severability**

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void, or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Lathrop General Plan, shall continue in full force and effect unless amended or modified by the City.

## **III. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS**

### **A. Agricultural and Forest Resources**

#### **1. General Plan implementation would result in the conversion of farmlands, including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, to non-agricultural use (EIR Impact 3.2-1)**

- (a) Potential Impact.** The potential for the Project to result in the conversion of farmlands, including important farmlands, to non-agricultural uses is discussed at pages 3.2-14 through 3.2-16 of the Draft EIR.
- (b) Mitigation Measures.** Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.
- (c) Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:
  - (1) Effects of Mitigation and Remaining Impacts.** As described on pages 3.2-14 through 3.2-16 of the Draft EIR, the Project includes numerous policies and actions that would reduce the severity of this impact to the extent feasible. The General Plan includes policies and actions to protect and preserve farmland, as well as to reduce potential impacts to agricultural lands. Implementation of the General Plan policies and action items reduce impacts to agricultural resources by managing the pace and location of growth, prioritizing growth within the city limits, and protecting, and buffering surrounding agricultural uses. However, the General Plan does allow for urbanization of agricultural lands. The only mitigation available to fully avoid this impact would be to restrict growth to occur only on non-agricultural lands and to not allow agricultural-support operations on agricultural lands; this limitation of growth would not be consistent with the Project goals and objectives as identified in the EIR and stated throughout

the Project. Therefore, this would represent a significant and unavoidable impact of the Project.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with conversion of farmlands.

**2. General Plan Implementation would conflict with existing zoning for agricultural use, or a Williamson Act Contract (EIR Impact 3.2-2)**

- (a) **Potential Impact.** The potential for the Project to result in conflicts with Williamson Act Contracts is discussed at pages 3.2-16 through 3.2-17 of the Draft EIR.

- (b) **Mitigation Measures.** Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.

- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:

- (1) **Effects of Mitigation and Remaining Impacts.** As described on pages 3.2-16 through 3.2-17 of the Draft EIR, the Project includes numerous policies and actions that are intended to reduce conflicts between existing agricultural and Williamson Act lands with new development as a result of the proposed General Plan. These include policies which help explicitly minimize conflicts between agricultural and urban land uses including promoting the establishment of adequate buffers between agricultural and urban land uses. However, the General Plan does allow for urbanization of agricultural lands under Williamson Act Contract inside the City limits. The only mitigation available to fully avoid this impact would be to restrict growth to occur only on non-agricultural lands; this limitation of growth would not be consistent with the Project goals and objectives as identified in the EIR and stated throughout the Project. Therefore, this would represent a significant and unavoidable impact of the Project.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with Williamson Act Contract conflicts.

**B. Air Quality**

**1. General Plan implementation would conflict with or obstruct implementation of the applicable air quality plan, or result in a cumulatively considerable net increase of criteria pollutants (EIR Impact 3.3-1)**

(a) **Potential Impact.** The potential for the Project to conflict with or obstruct implementation of the applicable air quality plan, or result in a cumulatively considerable net increase of criteria pollutants is discussed at pages 3.3-23 through 3.3-36 of the Draft EIR.

(b) **Mitigation Measures.** Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.

(c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:

(1) **Effects of Mitigation and Remaining Impacts** As described on pages 3.3-23 through 3.3-36 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible, including numerous goals, policies and implementation actions which would further the fundamental goals of the SJVAPCD in reducing emissions of criteria pollutants associated with vehicle miles traveled, reducing building energy usage, and would increase opportunities for transit ridership in Lathrop and the surrounding areas. However, there are no mitigation measures that can eliminate significant impact while still allowing the City's economy to grow through new development, particularly residential, industrial, and commercial uses. This would represent a significant and unavoidable impact of the Project.

(2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with air quality and criteria pollutant emissions.

**2. General Plan implementation would expose sensitive receptors to substantial pollutant concentrations (EIR Impact 3.3-2)**

(a) **Potential Impact.** The potential for the Project to result in the exposure of sensitive receptors to substantial pollutant concentrations is discussed at pages 3.3-37 through 3.3-48 of the Draft EIR.

(b) **Mitigation Measures.** Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.

(c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:

(1) **Effects of Mitigation and Remaining Impacts.** As described on pages 3.3-37 through 3.2-48 of the Draft EIR, the Project includes numerous policies and programs aimed to limit exposure to TAC and PM concentrations within the city. These include policies which help explicitly minimize conflicts between land uses including promoting the establishment of adequate buffers between industrial and residential land uses, project requirements to reduce impacts caused by TAC's by implementing best practices recommended by the California Attorney General's Office, and restrictions on the use of roadways in close proximity to sensitive receptors. However, the proposed General Plan would allow for the development of future industrial projects, the specific characteristics of which cannot be known at this time. Individual projects will be required to provide their own environmental assessments to determine health impacts from the construction and operation of their projects. In the event that future individual projects may result in exposure to TACs by sensitive receptors, these future projects would be required to analyze TAC impacts on an individual project level, per SJVAPCD requirements, and in accordance with California Office of Environmental Health Hazard Assessment (OEHHA) guidance. Therefore, since the full nature of the impacts of proposed Project-generated TAC impacts is not fully known at this time, this is a potentially significant impact and is considered significant and unavoidable impact of the Project.

(2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with exposure to substantial pollutant concentrations.

## C. **Greenhouse Gases, Climate Change and Energy**

1. **General Plan implementation has the potential to generate GHG emissions that could have a significant impact on the environment and/or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases (EIR Impact 3.7-1)**

- (a) **Potential Impact.** The potential for the Project to generate GHG emissions that could have a significant impact on the environment and/or conflict with an applicable plan, policy, or regulation is discussed at pages 3.7-26 through 3.7-40 of the Draft EIR.
- (b) **Mitigation Measures.** Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:
  - (1) **Effects of Mitigation and Remaining Impacts** As described on pages 3.7-26 through 3.7-40 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible, including numerous goals, policies and implementation actions which would further the State’s fundamental GHG reduction goals and reduce energy usage, promote renewable and/or alternative energy sources, and encourage pedestrian/bicycle modes of transportation. Additionally, through adoption of General Plan Policy RR-6.8, the City has established quantified per capita GHG reduction thresholds to help achieve the State’s GHG reduction targets. General Plan Action RR-6e requires the City to monitor GHG emissions over time, and implement measures to ensure the adopted targets are met. However, even with implementation of the goals, policies, and actions contained in the proposed General Plan, there is no guarantee that the General Plan alone would be sufficient to limit GHGs to the extent required by AB 32, SB 32, SB 375, and other federal and state regulations. This would represent a significant and unavoidable impact of the Project.
  - (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with GHG emissions and impacts.

**B. Mineral Resources**

**1. General Plan implementation would result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state (EIR Impact 3.11-1)**

- (a) **Potential Impact.** The potential for the Project to result in the loss of a known mineral resource that would be of value to the region and the

residents of the state is discussed at pages 3.11-4 through 3.11-5 of the Draft EIR.

(b) **Mitigation Measures.** Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.

(c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:

(1) **Effects of Mitigation and Remaining Impacts.** As described on pages 3.11-4 through 3.11-5 of the Draft EIR, the Project includes numerous policies and programs aimed to limit impacts to mineral resources within the city. These include policies which ensure that areas with mineral resources can be mined while productive and are ultimately reused for suitable development or open space, to the extent feasible. However, implementation of the General Plan and development allowed under the Land Use Map would permanently convert undeveloped portions of Planning Area to urban uses and this may preclude the recovery of mineral resources from the Plan Area. Therefore, this impact is considered a significant and unavoidable impact of the Project.

(2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

**2. General Plan implementation would result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan (EIR Impact 3.11-2)**

(a) **Potential Impact.** The potential for the Project to result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan is discussed at page 3.11-6 of the Draft EIR.

(b) **Mitigation Measures.** Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.

(c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:

(1) **Effects of Mitigation and Remaining Impacts** As described on page 3.11-6 of the Draft EIR, the Project includes policies and

actions that would reduce the severity of this impact to the extent feasible. These include policies which ensure that areas with mineral resources can be mined while productive and are ultimately reused for suitable development or open space, to the extent feasible. However, implementation of the General Plan and development allowed under the Land Use Map would permanently convert undeveloped portions of Planning Area to urban uses and this may preclude the recovery of mineral resources from the Plan Area. Therefore, this impact is considered a significant and unavoidable impact of the Project. However, implementation of the General Plan and development allowed under the Land Use Map would permanently convert undeveloped portions of Planning Area to urban uses and this may preclude the recovery of mineral resources from the Plan Area. Therefore, this impact is considered a significant and unavoidable impact of the Project.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

## C. Noise

### 1. General Plan implementation may result in exposure to significant traffic noise sources (EIR Impact 3.12-1)

- (a) **Potential Impact.** The potential for the Project to result in exposure to significant traffic noise sources is discussed at pages 3.12-18 through 3.12-28 of the Draft EIR.
- (b) **Mitigation Measures.** Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:
- (1) **Effects of Mitigation and Remaining Impacts** As described on pages 3.12-18 through 3.12-28 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible, including use of best management practices related to site design and building orientation,



consistency with the City's Community Noise Environments Standards, and appropriate siting of noise-sensitive land uses. However, there are no mitigation measures that can eliminate significant traffic noise exposure while still allowing the City's economy to grow through new development, particularly residential, industrial, and commercial uses. This would represent a significant and unavoidable impact of the Project.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with transportation noise sources.

#### **D. Transportation and Circulation**

##### **1. General Plan implementation may result in VMT per employee that are greater than 85 percent of Baseline conditions (EIR Impact 3.14-1)**

- (a) **Potential Impact.** The potential for the Project to result in VMT impacts is discussed at pages 3.14-29 through 3.14-41 of the Draft EIR.
- (b) **Mitigation Measures.** Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:
  - (1) **Effects of Mitigation and Remaining Impacts** As described on pages 3.14-29 through 3.14-41 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible. The General Plan goals, policies, and implementation measures will achieve meaningful reductions in VMT generated by land uses within the City. However, reductions in VMT per employee from 16 to 46 percent would be required to achieve identified thresholds. The City at this time cannot demonstrate that VMT will be reduced to the degree that it meets these thresholds. This would represent a significant and unavoidable impact of the Project.
  - (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with transportation VMT impacts.

**2. General Plan implementation may conflict with a program, plan, policy, or ordinance addressing the circulation system, including transit, bicycle, and pedestrian facilities (EIR Impact 3.14-2)**

(a) **Potential Impact.** The potential for the Project to conflict with a program, plan, policy, or ordinance addressing the circulation system is discussed at page 3.14-41 of the Draft EIR.

(b) **Mitigation Measures.** Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.

(c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:

(1) **Effects of Mitigation and Remaining Impacts** As described on page 3.14-41 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible. The General Plan Update includes policies and actions that help make the circulation system, including transit, bicycle, and pedestrian facilities, consistent with applicable programs, plans, policies, and ordinances and address the needs of growth accommodated by the proposed General Plan. Although the General Plan Update policies and actions help make the circulation system, including transit, bicycle, and pedestrian facilities, consistent with applicable programs, plans, policies, and ordinances and address the needs of growth accommodated by the proposed General Plan, increasing vehicle traffic may increase the number of collisions on Lathrop roadways, including collisions involving transit users, bicyclists, and pedestrians. The City cannot demonstrate definitively at this time that implementation of these policies would maintain the number of collisions for vehicles, pedestrians, and bicyclists at current or lower levels. Therefore, the plan may conflict with policies for safe travel, including by transit users, bicyclists, and pedestrians. Therefore, this impact is considered a significant and unavoidable impact of the Project.

(2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with a conflict with a program, plan, policy, or ordinance addressing the circulation system, including transit, bicycle, and pedestrian facilities.

**3. General Plan implementation may increase hazards due to a design feature, incompatible uses, or inadequate emergency access (EIR Impact 3.14-3)**

- (a) **Potential Impact.** The potential for the Project to increase hazards due to a design feature, incompatible uses, or inadequate emergency access is discussed at pages 3.14-42 through 3.14-46 of the Draft EIR.
- (b) **Mitigation Measures.** Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:
  - (1) **Effects of Mitigation and Remaining Impacts** As described on pages 3.14-42 through 3.14-46 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible. The General Plan contains policies and actions in support of safe circulation by all modes and adequate emergency access. The Circulation Element includes policies to pursue funding for grade separation. It also includes policies to create a Local Roadway Safety plan and to update the Capital Facilities Fee (CFF) program to include safety improvements for all modes and funding for grade-separated crossings at existing roadways. Although the General Plan policies and actions related to circulation, hazards, and emergency access would reduce the impacts to emergency circulation and access associated with implementation of the General Plan Update, increased vehicle traffic may increase the number of collisions on Lathrop roadways, and therefore result in an increase in hazards. Therefore, this impact is considered a significant and unavoidable impact of the Project.
  - (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with increased hazards due to a design feature, incompatible uses, or inadequate emergency access.

**E. Utilities and Service Systems**

- 1. General Plan implementation would not result in sufficient water supplies available to serve the City and reasonably foreseeable future development during normal, dry and multiple dry years (EIR Impact 3.15-1)**

- (a) **Potential Impact.** The potential for the Project to result in water supply impacts is discussed at pages 3.15-14 through 3.15-16 of the Draft EIR.
- (b) **Mitigation Measures.** Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:
  - (1) **Effects of Mitigation and Remaining Impacts** As described on pages 3.15-14 through 3.15-16 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible. The proposed General Plan includes a range of policies designed to ensure an adequate water supply for development, to minimize the potential adverse effects of increased water use, and to secure additional sources of potable water in the future. Projected water demands associated with General Plan buildout would not exceed the projected available water supplies during normal years, and the proposed General Plan includes a comprehensive set of goals, policies, and actions to ensure an adequate and reliable source of clean potable water. Nevertheless, it is anticipated that the City, upon full buildout of the General Plan Update, would have a slight deficiency in water supplies during multiple dry years 3 and 4. Action PFS-2e ensures that new development cannot be approved until it can be demonstrated that adequate water supplies are available to serve the project. However, given the fact that total water demands associated with full buildout of the General Plan may result in a slight deficiency in water supplies during multiple dry years 3 and 4, this would represent a significant and unavoidable impact of the Project.
  - (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with water supply impacts.

## **F. Cumulative Impacts**

### **1. Cumulative impact to agricultural lands and resources. (EIR Impact 4.2)**

- (a) **Potential Impact.** The potential for the Project to result in a considerable contribution to the cumulative loss of agricultural land and resources,

including important farmlands, significant farmlands, land under the Williamson Act, and other farmlands, is discussed on pages 4.0-6 through 4.0-7 of the Draft EIR.

- (b) **Mitigation Measures.** Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:
  - (1) **Mitigation and Remaining Impacts.** As described on pages 4.0-6 and 4.0-7 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible. However, even with implementation of adopted policies and actions, the General Plan has the potential to considerably contribute to permanent conversion of agricultural land and resources. No feasible mitigation is available to fully reduce the cumulative effect on these resources, or to mitigate the contribution to a less-than-significant level. This would represent a cumulatively considerable contribution by the Project to the significant and unavoidable cumulative impact.
  - (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with cumulative impacts to agricultural lands and resources.

## 2. Cumulative impact on the region's air quality (EIR Impact 4.3)

- (a) **Potential Impact.** The potential for the Project to result in a considerable contribution to the cumulative impact on the region's air quality is discussed at pages 4.0-7 and 4.0-8 of the Draft EIR.
- (b) **Mitigation Measures.** Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:
  - (1) **Mitigation and Remaining Impacts.** As described on pages 4.0-7 and 4.0-8 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible. However, even with implementation of adopted policies and actions, the General Plan has the potential to considerably contribute to an impact on the region's air quality. No feasible

mitigation is available to fully reduce the cumulative effect, or to mitigate the contribution to a less-than-significant level. This would represent a cumulatively considerable contribution by the Project to the significant and unavoidable cumulative impact.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with cumulative impacts on the region's air quality.

**3. Cumulative impacts related to greenhouse gases, climate change, and energy (EIR Impact 4.7)**

- (a) **Potential Impact.** The potential for the Project to result in a considerable contribution to the cumulative impact related to greenhouse gases, climate change, and energy is discussed at pages 4.0-10 and 4.0-11 of the Draft EIR.

- (b) **Mitigation Measures.** Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.

- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:

- (1) **Mitigation and Remaining Impacts.** As described on pages 4.0-10 and 4.0-11 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible. However, even with implementation of adopted policies and actions, the General Plan has the potential to considerably contribute to an impact related to greenhouse gases, climate change, and energy. No feasible mitigation is available to fully reduce the cumulative effect, or to mitigate the contribution to a less-than-significant level. This would represent a cumulatively considerable contribution by the Project to the significant and unavoidable cumulative impact.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with cumulative impacts to greenhouse gases, climate change, and energy.

**4. Cumulative impacts related to mineral resources (EIR Impact 4.11)**

- (a) **Potential Impact**. The potential for the Project to result in a considerable contribution to the cumulative impact related to mineral resources is discussed at pages 4.0-13 and 4.0-14 of the Draft EIR.
- (b) **Mitigation Measures**. Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.
- (c) **Findings**. Based upon the EIR and the entire record before this Council, this Council finds that:
  - (1) **Mitigation and Remaining Impacts**. As described on pages 4.0-13 and 4.0-14 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible. However, even with implementation of adopted policies and actions, the General Plan has the potential to considerably contribute to an impact related to mineral resources. No feasible mitigation is available to fully reduce the cumulative effect, or to mitigate the contribution to a less-than-significant level. This would represent a cumulatively considerable contribution by the Project to the significant and unavoidable cumulative impact.
  - (2) **Overriding Considerations**. The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with cumulative impacts to mineral resources.

**5. Cumulative impacts related to noise (EIR Impact 4.12)**

- (a) **Potential Impact**. The potential for the Project to result in a considerable contribution to the cumulative noise impacts is discussed at pages 4.0-14 and 4.0-15 of the Draft EIR.
- (b) **Mitigation Measures**. Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.
- (c) **Findings**. Based upon the EIR and the entire record before this Council, this Council finds that:
  - (1) **Mitigation and Remaining Impacts**. As described on pages 4.0-14 and 4.0-15 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible. However, it may not be feasible to mitigate this impact to a less-than-significant level in all instances, particularly in areas

where existing development is located near proposed development and existing roadways. Although the policy and regulatory controls for noise related impacts are in place in the cumulative analysis area, subsequent development projects may result in an increase in ambient noise levels at specific project locations, which may subject surrounding land uses to increases in ambient noise levels. No feasible mitigation is available to fully reduce the cumulative effect on noise, or to mitigate the proposed project's contribution to a less-than-significant level. This would represent a cumulatively considerable contribution by the Project to the significant and unavoidable cumulative impact.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with cumulative increases in noise levels.

#### 6. Cumulative impacts on the transportation network (EIR Impact 4.14)

- (a) **Potential Impact.** The potential for the Project to result in a considerable contribution to the cumulative impacts on the transportation network is discussed at pages 4.0-17 and 4.0-18 of the Draft EIR.
- (b) **Mitigation Measures.** Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:
  - (1) **Mitigation and Remaining Impacts.** As described on pages 4.0-17 and 4.0-18 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible. However, it may not be feasible to mitigate this impact to a less-than-significant level in all instances as the General Plan would result in VMT increases exceeding the threshold for employment-related land uses. No feasible mitigation is available to fully reduce the cumulative effect on VMT, or to mitigate the proposed project's contribution to a less-than-significant level. This would represent a cumulatively considerable contribution by the Project to the significant and unavoidable cumulative impact.
  - (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any



remaining significant adverse impact of the Project associated with cumulative impacts on the transportation network.

**7. Cumulative impacts related to utilities (EIR Impact 4.15)**

- (a) **Potential Impact.** The potential for the Project to result in a considerable contribution to the cumulative impacts on utilities is discussed at pages 4.0-18 and 4.0-23 of the Draft EIR.
- (b) **Mitigation Measures.** Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:
  - (1) **Mitigation and Remaining Impacts.** As described on pages 4.0-18 and 4.0-23 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible. However, it may not be feasible to mitigate this impact to a less-than-significant level in all instances as the General Plan would result in a slight deficiency in water supplies during multiple dry years 3 and 4. No feasible mitigation is available to fully reduce the cumulative effect, or to mitigate the proposed project's contribution to a less-than-significant level. This would represent a cumulatively considerable contribution by the Project to the significant and unavoidable cumulative impact.
  - (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with cumulative impacts on utilities.

**G. Significant Irreversible Effects**

**1. Irreversible and adverse effects ( EIR Impact 4.17)**

- (a) **Potential Impact.** The potential for the Project to result in a significant irreversible effect associated with the consumption of nonrenewable resources and irretrievable commitments/irreversible physical changes is discussed at pages 4.0-26 and 4.0-31 of the Draft EIR.
- (b) **Mitigation Measures.** Minimized to the greatest extent feasible through General Plan Policies and Actions. No feasible mitigation is available.

(c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:

(1) **Mitigation and Remaining Impacts.** As described on pages 4.0-26 and 4.0-31 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible. One of the primary objectives of the General Plan is to preserve surrounding agricultural lands through focused growth within the existing city limits, and protect the city's natural resources through conservation efforts. As a result of this land use pattern, the General Plan will minimize the potential for impacts to the nonrenewable resources in the Planning Area, including agricultural resources, biological resources, mineral resources, and energy resources, and the irretrievable commitment of resources and irreversible physical changes. However, the General Plan establishes a Land Use Map that anticipates urbanization and development over an approximate 20-year period. This development is necessary to achieve the economic development goals as well as other goals and objectives of the Project. In summary, the General Plan includes an extensive policy framework that is designed to address land use and environmental issues to the greatest extent feasible while allowing growth and economic prosperity for the City. However, even with the policies and actions that will serve to reduce potential significant impacts, the General Plan will result in significant irreversible changes including development on currently undeveloped site and the use of materials and other nonrenewable resources as a result of individual project construction and operations. This would represent a cumulatively considerable contribution by the Project to the significant and unavoidable cumulative impact.

(2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with irreversible effects.

IV. FINDINGS AND RECOMMENDATIONS REGARDING THOSE IMPACTS WHICH ARE LESS THAN SIGNIFICANT, LESS THAN CUMULATIVELY CONSIDERABLE, OR HAVE NO IMPACT

A. Specific impacts within the following categories of environmental effects were found to be less than significant as set forth in more detail in the Draft EIR.

1. **Aesthetics and Visual Resources:** The following specific impacts were found to be less than significant:
  - a. Impact 3.1-1: General Plan implementation would not have a substantial adverse effect on a scenic vista
  - b. Impact 3.1-2: General Plan implementation would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, within a State scenic highway
  - c. Impact 3.1-3: General Plan implementation would not, in a non-urbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings, or in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality
  - d. Impact 3.1-4: General Plan implementation could result in the creation of new sources of substantial light or glare which would adversely affect day or nighttime views in the area
2. **Agricultural and Forest Resources:** The following specific impacts were found to be less than significant:
  - a. Impact 3.2-3: General Plan implementation would not result in the loss of forest land or conversion of forest land to non-forest use
  - b. Impact 3.2-4: General Plan implementation would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use
3. **Air Quality:** The following specific impacts were found to be less than significant:
  - a. Impact 3.3-3: General Plan implementation would not result in other emissions such as those leading to odors adversely affecting a substantial number of people

- 4. Biological Resources:** The following specific impacts were found to be less than significant:
- a. Impact 3.4-1: General Plan implementation could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service
  - b. Impact 3.4-2: General Plan implementation could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service
  - c. Impact 3.4-3: General Plan implementation could have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means
  - d. Impact 3.4-4: General Plan implementation would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites
  - e. Impact 3.4-5: The General Plan would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance
  - f. Impact 3.4-6: General Plan implementation would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan
- 5. Cultural Resources:** The following specific impacts were found to be less than significant:
- a. Impact 3.5-1: General Plan implementation could cause a substantial adverse change in the significance of a historical or archaeological resource pursuant to Section 15064.5
  - b. Impact 3.5-2: Implementation of the General Plan could lead to the disturbance of any human remains
  - c. Impact 3.5-3: Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074, and that is: Listed or eligible for listing in the California Register of Historical Resources, or in a local register of

historical resources as defined in Public Resources Code Section 5020.1(k), or a resource determined by the lead agency

6. **Geology, Soils, and Minerals:** The following specific impacts were found to be less than significant:
  - a. Impact 3.6-1: General Plan implementation has the potential to expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides
  - b. Impact 3.6-2: General Plan implementation has the potential to result in substantial soil erosion or the loss of topsoil
  - c. Impact 3.6-3: General Plan implementation has the potential to result in development located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse
  - d. Impact 3.6-4: General Plan implementation has the potential to result in development on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property
  - e. Impact 3.6-5: General Plan implementation does not have the potential to have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water
  - f. Impact 3.6-6: General Plan implementation has the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature
  
7. **Greenhouse Gases and Climate Change:** The following specific impacts were found to be less than significant:
  - a. Impact 3.7-2: General Plan implementation has the potential to result in a significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources, or conflict with or obstruct a state or local plan for renewable energy or energy efficiency
  
8. **Hazards:** The following specific impacts were found to be less than significant:
  - a. Impact 3.8-1: General Plan implementation has the potential to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, or

through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment

- b. Impact 3.8-2: General Plan implementation has the potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school
- c. Impact 3.8-3: General Plan implementation has the potential to have projects located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5
- d. Impact 3.8-4: General Plan implementation is not located within an airport land use plan, two miles of a public airport or public use airport, and would not result in a safety hazard for people residing or working in the project area
- e. Impact 3.8-5: General Plan implementation has the potential to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan
- f. Impact 3.8-6: General Plan implementation has the potential to expose people or structures to a significant risk of loss, injury or death involving wildland fires

**9. Hydrology and Water Quality:** The following specific impacts were found to be less than significant:

- a. Impact 3.9-1: General Plan implementation could violate water quality standards or waste discharge requirements or otherwise substantially degrade water quality or obstruct implementation of a water quality control plan
- b. Impact 3.9-2: General Plan implementation could result in the depletion of groundwater supplies, interfere substantially with groundwater recharge or conflict with a groundwater management plan
- c. Impact 3.9-3: General Plan implementation could alter the existing drainage pattern in a manner which would result in substantial erosion, siltation, flooding, impeded flows, or polluted runoff
- d. Impact 3.9-4: General Plan implementation would not release pollutants due to project inundation by flood hazard, tsunami, or seiche

**10. Land Use and Population:** The following specific impacts were found to be less than significant or to have no impact:

- a. Impact 3.10-1: General Plan implementation would not physically divide an established community

- b. Impact 3.10-2: General Plan implementation would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect
- c. Impact 3.10-3: General Plan implementation would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)
- d. Impact 3.10-4: General Plan implementation would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere

**11. Noise:** The following specific impacts were found to be less than significant:

- a. Impact 3.12-2: General Plan implementation may result in exposure to excessive railroad noise sources
- b. Impact 3.12-3: Implementation of the General Plan could result in the generation of excessive stationary noise sources
- c. Impact 3.12-4: General Plan implementation may result in an increase in construction noise sources
- d. Impact 3.12-5: General Plan implementation may result in construction vibration
- e. Impact 3.12-6: General Plan implementation may result in exposure to groundborne vibration

**12. Public Services and Recreation:** The following specific impacts were found to be less than significant:

- a. Impact 3.13-1: General Plan implementation could result in adverse physical impacts on the environment associated with the need for new governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts
- b. Impact 3.13-2: General Plan implementation may result in adverse physical impacts associated with the deterioration of existing parks and recreation facilities or the construction of new parks and recreation facilities

**13. Utilities and Service Systems:** The following specific impact was found to be less than significant:

- a. Impact 3.15-2: General Plan implementation would not require or result in the construction of new water treatment facilities or

expansion of existing facilities, the construction of which could cause significant environmental effects

- b.** Impact 3.15-3: General Plan implementation would not have the potential to result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments
- c.** Impact 3.15-4: General Plan implementation may require or result in the relocation or construction of new or expanded wastewater facilities, the construction or relocation of which could cause significant environmental effects
- d.** Impact 3.15-5: General Plan implementation would not require or result in the relocation or construction of new or expanded storm water drainage facilities, the construction or relocation of which could cause significant environmental effects
- e.** Impact 3.15-6: General Plan implementation would comply with federal, state, and local management and reduction statutes and regulations related to solid waste, would not generate solid waste in excess of State or local standards or otherwise impair the attainment of solid waste reduction goals, and would not exceed of the capacity of local infrastructure

**14. Wildfires:** The following specific impact was found to have no impact:

- a.** Impact 3.16-1: General Plan implementation would not have a significant impact related to wildfire risks associated with lands in or near State Responsibility Areas or lands classified as very high fire hazard severity zones



**B.** The project was found to have a less than cumulatively considerable contribution to specific impacts within the following categories of environmental effects as set forth in more detail in the Draft EIR.

1. **Impact 4.1:** Cumulative degradation of the existing visual character of the region
2. **Impact 4.4:** Cumulative loss of biological resources, including habitats and special status species
3. **Impact 4.5:** Cumulative impacts on known and undiscovered cultural resources
4. **Impact 4.6:** Cumulative impacts related to geology and soils
5. **Impact 4.8:** Cumulative impacts related to hazardous materials and human health risks
6. **Impact 4.9:** Cumulative impacts related to hydrology and water quality
7. **Impact 4.10:** Cumulative impacts related to local land use, population, and housing
8. **Impact 4.13:** Cumulative impacts to public services and recreation
9. **Impact 4.16:** Cumulative impact related to wildfire

**C.** The above impacts are less than significant or less than cumulatively considerable for one of the following reasons:

1. The EIR determined that the impact is less than significant for the Project.
2. The EIR determined that the Project would have a less than cumulatively considerable contribution to the cumulative impact.

## V. PROJECT ALTERNATIVES

### A. Identification of Project Objectives

An EIR is required to identify a “range of potential alternatives to the project [which] shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one of more of the significant effects.” Chapter 2.0 of the Draft EIR identifies the Project’s goals and objectives. The Project objectives include:

- Provide a range of high-quality housing options;
- Attract and retain businesses and industries that provide high-quality and high-paying jobs;
- Continue to maintain and improve multimodal transportation opportunities;
- Maintain strong fiscal sustainability and continue to provide efficient and adequate public services;
- Address new requirements of State law; and
- Address emerging transportation, housing, and employment trends.

### B. Alternatives Analysis in EIR

#### 1. Alternative 1: No Project Alternative

The No Project Alternative is discussed on pages 5.0-3 and pages 5.0-8 through 5.0-25 of the Draft EIR. Under

Under Alternative 1, the City would not adopt the General Plan Update. The existing Lathrop General Plan would continue to be implemented and no changes to the General Plan, including the Land Use Map, Circulation Diagram, goals, policies, or actions would occur. Subsequent projects, such as amending the Municipal Code (including the zoning map) and the City’s Design Guidelines, would not occur. The Existing General Plan Land Use Map is shown on DEIR Figure 5.0-1.

Under Alternative 1 at Project buildout, there would be an increase over existing conditions in residential growth (approximately 19,048 dwelling units) and jobs (approximately 43,459 jobs) within City limits. Under cumulative conditions, development in Planning Area combined under Alternative 1 would result in a

population of 101,457 and 52,612 jobs. Under Alternative 1, the existing General Plan policy framework would still be in effect, which would constitute a status quo approach to land use regulation in the City. The policy framework proposed by the General Plan Update encourages and aims to achieve a community with a compatible land use pattern that meets the City's long-term housing, employment, and civic needs while reducing impacts created by growth through a self-mitigating approach to the policy framework. Land uses allowed under the proposed General Plan provide opportunities for additional multifamily residential and jobs-generating growth at in-fill locations within existing urbanized areas of the city, as well as new growth adjacent to existing urbanized areas inside the City limits. Additionally, the proposed General Plan was prepared in conformance with State laws and regulations associated with the preparation of general plans, including requirements for environmental protection.

- a. **Findings:** The No Project Alternative is rejected as an alternative because it would not achieve the Project's objectives.
- b. **Explanation:** This alternative would not realize the benefits of the Project and fails to achieve some of the Project objectives. Alternative 1 would not include updated policies, particularly those related to greenhouse gases, community health, equity/environmental justice and complete streets policies to address safety, access, and mobility for all roadway users, as required by State law. This alternative would not include various policies proposed in the General Plan update to ensure protection of environmental resources, both at a project level and under cumulative conditions, consistent with the objectives of CEQA. Alternative 1 fails to meet several of the basic project objectives, including addressing new requirements of State law; and addressing emerging transportation, housing, and employment trends. Therefore, Alternative 1 (No Project) is rejected from further consideration.

## **2. Alternative 2: Modified Project Alternative**

The Modified Project Alternative is discussed on pages 5.0-3 and 5.0-9 through 5.0-25 of the Draft EIR.

Under Alternative 2, the City would adopt the updated General Plan policy document, but would retain the existing land use map. This alternative would result in the same growth as the existing General Plan and Alternative 1, but would implement the updated goals, policies, and actions found in the General Plan Update. This Alternative would result in more residential growth, and less non-residential development than the proposed Project. This alternative was developed to potentially reduce the severity of impacts associated with noise, air quality, and workforce VMT.

The goals, policies, and actions of the General Plan Update would apply to subsequent development, planning, and infrastructure projects under this alternative. Alternative 2 would result in additional housing units and residents within Lathrop when compared to the proposed General Plan Land Use Map. Nonresidential square feet would be reduced and employment opportunities would be decreased under this alternative, with fewer jobs created within the city limits when compared to the proposed General Plan.

Alternative 2 would provide for additional residential only land uses and fewer light industrial and business park type uses within the Planning Area when compared to the proposed Project. However, Alternative 2 would also provide for fewer opportunities for multifamily residential land uses.

- a. **Findings:** The Modified Project Alternative is rejected as an alternative because it would not achieve the Project's objectives.
- b. **Explanation:** This alternative would achieve some of the Project objectives. However, Alternative 2 would provide for fewer opportunities for multifamily residential land uses and jobs-generating land uses, which provide employment opportunities and revenues to the City, which are used to fund public services and infrastructure improvements. It should also be noted that approximately 670 acres of predominantly vacant land, located north of Dos Reis Road, west of Interstate 5, within the northern portion of the Central Lathrop Specific Plan has been re-designated for jobs-generating uses on the proposed land use map. This area is designated Limited Industrial on the proposed Land Use Map. It is currently designated primarily as Variable Density Residential on the existing Land Use Map. Senate Bill 5 requirements by the State to complete the newly defined 200-year flood improvements by 2028, estimated to cost in excess of \$250 million, will make residential development in this area risky and generally infeasible. It will take several years to entitle and construct infrastructure to serve any future residential development within the northern Central Lathrop Specific Plan area. Residential building permits cannot be issued after 2028 unless the 200-year flood improvements are complete, and will be stopped earlier if Lathrop cannot guarantee Adequate Progress toward completing the improvements by 2028. In other words, residential development within this area is generally considered to be infeasible, and may expose future residences to significant flood risks. The proposed change to Limited Industrial in this area provides opportunities for increased local employment, the generation of tax revenues for the City, a higher degree of certainty for the development community, and would not place homes or residents in an area at risk for flooding. Alternative 2 is less effective in meeting the project objectives when compared to the proposed project, and may result in unacceptable flood hazard

exposure to future residential areas. For these economic, social, market conditions, and other reasons, the Project is considered superior to Alternative 2.

### **3. Alternative 3: Balanced Density - Residential Focused Alternative**

The Balanced Density Residential Focused Alternative is discussed on pages 5.0-3 and 5.0-10 through 5.0-25 of the Draft EIR.

Alternative 3 would adopt the General Plan Update, including the proposed General Plan Land Use Map and updated goals, policies, and actions. However, Alternative 3 would place more emphasis on residential development, increasing the allowed densities for the residential land uses, while reducing the intensity of non-residential development. For comparison it is assumed that this Alternative would result in a 25 percent increase in the number of new residential dwelling units, and a 10 percent decrease in jobs and non-residential square footage when compared to the proposed Project. This Alternative would result in the most dwelling units compared to all other Alternatives. This Alternative would also result in more non-residential growth than Alternatives 1 and 2, but 10% less non-residential growth than the proposed Project. This alternative was developed to create a more equal jobs/housing balance, potentially reducing the severity of impacts related to greenhouse gas emissions and VMT, as new development would be within close proximity to the new job generating uses, which would help to reduce per capita employment VMT.

Alternative 3 would result in approximately 21,724 new housing units or 4,345 more housing units within the city when compared to the proposed General Plan Land Use Map. Employment opportunities would be slightly reduced when compared to the proposed General Plan, resulting in approximately 44,325 jobs created within the city limits. Under Project buildout conditions, this alternative would result in a total population within the Planning Area of approximately 111,706, which is higher than the total population projection under the proposed General Plan by approximately 16,641.

- a. Findings:** The No Project Alternative is rejected as an alternative because it would not reduce any significant impacts to a less than significant level.
- b. Explanation:** This alternative would achieve the basic Project objectives. Like the proposed Project, Alternative 3 would adopt the updated policy document as well as the updated Land Use Map. This alternative would update the land use descriptions to allow greater residential densities

and would allow for more residential growth that would be allowed under the proposed Project. However, this alternative would not reduce any significant impacts to a less than significant level.

CEQA requires that an environmentally superior alternative be identified among the alternatives that are analyzed in the EIR. If the No Project Alternative is the environmentally superior alternative, an EIR must also identify an environmentally superior alternative among the other alternatives (CEQA Guidelines Section 15126.6(e)(2)). The environmentally superior alternative is that alternative with the least adverse environmental impacts when compared to the proposed project.

As discussed in Chapter 5.0 of the Draft EIR and summarized in Table 5.0-4 of the Draft EIR, Alternative 3 (Balanced Density - Residential Focused Alternative) is the environmentally superior alternative because Alternative 3 would slightly reduce the severity of noise impacts associated with sensitive receptor exposure to traffic noise sources, impacts to air quality, GHG, and transportation. Overall, Alternative 3 is the most effective in terms of reducing one or more of the significant impacts of the proposed project (although it would not reduce any significant impacts to less than significant). Additionally, when compared to the proposed General Plan, Alternative 3 would increase the severity of impacts related to public services and recreation and utilities.

As previously discussed, Alternative 3 fails to reduce any significant impacts to a less than significant level. Additionally, this alternative would increase the severity of impacts related to utilities and service systems (including increased water needs) and would provide fewer job opportunities throughout the community. Furthermore, the General Plan was crafted to account for market conditions in relation to density and intensity. Although Alternative 3 allows additional maximum residential densities and slightly reduced building intensities, the resulting development may continue to mirror market conditions in Lathrop where buildings are generally not built to their minimum intensity standards (FAR's), and where built residential densities (DU/Ac) are also generally lower than the maximum allowed.

For these economic, social, market conditions, and other reasons, the Project is considered superior to Alternative 3.

## VI. STATEMENTS OF OVERRIDING CONSIDERATIONS

Pursuant to CEQA Section 21081(b) and the CEQA Guidelines Section 15093, the City of Lathrop has balanced the benefits of the proposed General Plan against the following unavoidable adverse impacts associated with the proposed General Plan and has included all feasible mitigation measures as policies and action items within the General Plan. Lathrop has also examined alternatives to the proposed project, and has determined that adoption and implementation of the proposed General Plan is the most desirable, feasible, and appropriate action. The other alternatives are rejected as infeasible, failed to meet project objectives, were not able to reduce any significant impacts to a less than significant levels, or increased the severity on significant impacts based on consideration of the relevant factors discussed in Chapter 5.0 of the Draft EIR.

### A. Significant Unavoidable Impacts

Based on the information and analysis set forth in the EIR and reiterated in Section III of these Findings, implementation of the proposed General Plan would result in the following project-specific significant impacts related to: agricultural resources, air quality, GHG, mineral resources, noise, transportation and circulation, utilities, and irreversible effects. These impacts are identified below:

- **Impact 3.2-1:** General Plan implementation would result in the conversion of farmlands, including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, to non-agricultural use.
- **Impact 3.2-2:** General Plan implementation would conflict with existing zoning for agricultural use, or a Williamson Act Contract.
- **Impact 3.3-1:** General Plan implementation would conflict with or obstruct implementation of the applicable air quality plan, or result in a cumulatively considerable net increase of criteria pollutants.
- **Impact 3.3-2:** General Plan implementation would expose sensitive receptors to substantial pollutant concentrations.
- **Impact 3.7-1:** General Plan implementation has the potential to generate GHG emissions that could have a significant impact on the environment and/or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.
- **Impact 3.11-1:** General Plan implementation would result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.
- **Impact 3.11-2:** General Plan implementation would result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

- **Impact 3.12-1:** General Plan implementation may result in exposure to significant traffic noise sources.
- **Impact 3.14-1:** General Plan implementation may result in VMT per employee that are greater than 85 percent of Baseline conditions.
- **Impact 3.14-2:** General Plan implementation may conflict with a program, plan, policy, or ordinance addressing the circulation system, including transit, bicycle, and pedestrian facilities.
- **Impact 3.14-3:** General Plan implementation may increase hazards due to a design feature, incompatible uses, or inadequate emergency access.
- **Impact 3.15-1:** General Plan implementation would not result in sufficient water supplies available to serve the City and reasonably foreseeable future development during normal, dry and multiple dry years.
- **Impact 4.2:** Cumulative impact to agricultural lands and resources.
- **Impact 4.3:** Cumulative impact on the region's air quality.
- **Impact 4.7:** Cumulative impacts related to greenhouse gases, climate change, and energy.
- **Impact 4.11:** Cumulative impacts related to mineral resources.
- **Impact 4.12:** Cumulative impacts related to noise.
- **Impact 4.14:** Cumulative impacts on the transportation network.
- **Impact 4.15:** Cumulative impact related to utilities.
- **Impact 4.17:** Irreversible and adverse effects.

## **B. Benefits of the Proposed General Plan/Overriding Considerations**

The City of Lathrop has (i) independently reviewed the information in the EIR and the record of proceedings; (ii) made a reasonable and good faith effort to eliminate or substantially lessen the impacts resulting from the proposed General Plan to the extent feasible by including policies and actions in the General Plan that effectively minimize or reduce potential environmental impacts to the greatest extent feasible; and (iii) balanced the project's benefits against the project's significant unavoidable impacts.

Adoption and implementation of the Lathrop General Plan would provide the following economic, social, legal, and other considerable benefits:

1. The General Plan promotes compact and environmentally-sustainable development through goals and policies that balance the need for adequate infrastructure, housing, and economic vitality with the need for resource management, environmental protection, and preservation of quality of life for Lathrop residents.



2. The General Plan provides a land use map and policy document that accounts for existing development, physical constraints, economic development, flood and other hazards, and incompatible uses and assigns densities and use types accordingly to enhance the safety, livability, and economic vitality of Lathrop.
3. The General Plan improves mobility options through the development of a multi-modal transportation network that enhances connectivity, supports community development patterns, limits traffic congestion, promotes public and alternative transportation methods, and supports the goals of adopted regional transportation plans.
4. The General Plan directs the preservation and environmental stewardship of the vast array of natural, cultural and historic resources that uniquely define the character and ecological importance of the City and greater region.
5. The General Plan addresses adverse environmental effects associated with climate change by facilitating sustainable development, promoting energy efficiency, and promoting development that reduces greenhouse gas emissions.
6. The General Plan enhances the local economy and provides opportunities for future jobs and business development growth by planning for commercial and industrial development near existing urbanized areas and transportation corridors.
7. The General Plan is the product of a comprehensive public planning effort driven by members of the public, the General Plan Technical Advisory Committee, the Planning Commission and the City Council through a series of public meetings, hearings and workshops that resulted in a thoughtful balance of community, economic, and environmental interests.

## VII. CONCLUSION

After balancing the specific economic, legal, social, technological, and other benefits of the proposed project, the Council finds that the unavoidable adverse environmental impacts identified may be considered “acceptable” due to the specific considerations listed above which outweigh the unavoidable, adverse environmental impacts of the proposed project.

The Lathrop City Council has considered information contained in the EIR prepared for the proposed General Plan as well as the public testimony and record of proceedings in which the project was considered. Recognizing that significant unavoidable agricultural resources, air quality, GHG, mineral resources, noise, transportation and circulation, utilities, and irreversible effects impacts may result from implementation of the proposed General Plan, the Council finds that the benefits of the General Plan and overriding considerations outweigh the adverse effects of the Project. Having included all feasible mitigation measures as policies and actions in the General Plan, and recognized all unavoidable significant impacts, the Council hereby finds that each of the separate benefits of the proposed General Plan, as stated herein, is determined to be unto itself an overriding consideration, independent of other benefits, that warrants adoption of the proposed General Plan and outweighs and overrides its unavoidable significant effects, and thereby justifies the adoption of the proposed General Plan.

Based on the foregoing findings and the information contained in the record, the Council hereby determines that:

1. All significant effects on the environment due to implementation of the proposed General Plan have been eliminated or substantially lessened where feasible;
2. There are no feasible alternatives to the proposed General Plan which would fully mitigate or substantially lessen the impacts to a less than significant level; and
3. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations above.